

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action mailed August 29, 2007, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

In the Final Office Action, claims 1, 7-9, 11, 12, 16-18 and 20 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,833,349 (Apple). Claims 1, 10, 12 and 19 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 2,459,693 (Gordon). Claims 2, 3, and 14 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Apple in view of U.S. Patent No. 3,769,869 (Stone). Claims 4, 5 and 13 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Apple in view of U.S. Patent No. 6,172,613 (DeLine). Claims 6 and 15 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Apple in view of U.S. Patent No. 5,416,673 (Murai). It is respectfully submitted that claims 1-20 are patentable over Apple, Gordon, Stone, DeLine and Murai for at least the following reasons.

The Final Office Action has taken a position that the claims must be distinguished over prior art in terms of structure and that limitations present in the claims, in effect, recite a function. This assertion is respectfully traversed. However, in the interest of expediting examination and allowance of the present application, the claims are amended.

The devices of the current claims are in fact directed to structure including "after-glowing material is shaped in a predetermined pattern configured to display information and to be substantially invisible when the light means generates the primary light, wherein the predetermined pattern is distributed throughout a portion less than an entire portion of a light transmissive material." Clearly the claims are directed to structure and not merely function.

Apple is directed to a shade that phosphoresces after the light from a bulb is extinguished (see, Abstract). As made clear in Apple, (emphasis added) "[t]he lamp shade 10 is fabricated from a clear plastic sheet containing a phosphorescent additive distributed uniformly throughout the sheet." (See, FIG. 1 and Col. 2, lines 50-52 of Apple.) The Final Office Action has taken a

position that this corresponds to the "after-glowing material ... shaped in a predetermined pattern configured to display information and to be substantially invisible when the light means generates the primary light" as recited in each of claims 1 and 12.

The position taken in the Final Office Action is respectfully refuted. Apple does not disclose that the "the after-glowing material is shaped in a predetermined pattern ..." Where is the predetermined pattern. An Adversary Action that issued on October 22, 2007 has taken a position that in Apple, "a predetermined pattern is any set pattern" and therefore, the distribution of the phosphorescent material throughout a sheet is interpreted as a predetermined pattern. Certainly the phosphorescent additive distributed uniformly throughout the sheet of Apple is not a predetermined pattern of the phosphorescent additive that is configured to display information. While the lampshade of Apple may be in various shapes as alleged in the Final Office Action (Apple only discloses a lamp shade shape), this is still not sufficient to anticipate, or even render obvious that the shape is "configured to display information" as recited in each of claims 1 and 12.

Similarly, Gordon is directed to a "laminated construction comprising a central phosphorescent sheet sandwiched between two red fluorescent sheets ..." (See, Col. 2, lines 16-19.) The Final Office Action asserts that the three laminations "formed to exact or approximate shapes" corresponds to the predetermined pattern of the after-glowing material (see, Final Office Action, page 6, numbered paragraph 3), however these sheets in Gordon are again visible as the lens of the tail lamp regardless of whether the tail lamp is on or off. The section of Gordon cited in the Final Office Action refers to the laminations 8 and 10 which are "otherwise clear and colorless" but are rendered red by "having incorporated fluorescent pigments of the proper color ..." (See, Col. 3, lines 57-60 of Gordon.) There certainly is no teaching in Gordon that these pigmented sheets are "substantially invisible" when the tail light is on. In fact, Gordon teaches that the pigments "impart the red color to white light transmitted therethrough." (See, Col. 3, lines 59-60.) Certainly the phosphorescent additive distributed uniformly throughout the sheet is not a predetermined pattern of the phosphorescent additive that is configured to display information. While the tail light sheet of Gordon may be in

various tail light shapes, this is still not sufficient to anticipate, or even render obvious that the shape is "configured to display information" as recited in each of claims 1 and 12.

It is respectfully submitted that the device of claim 1 is not anticipated or made obvious for that matter by the teachings of Apple and Gordon. For example, Apple and Gordon does not disclose or suggest, a device that amongst other patentable elements, comprises (illustrative emphasis provided) "the after-glowing material is shaped in a predetermined pattern configured to display information and to be substantially invisible when the light means generates the primary light, wherein the predetermined pattern is distributed throughout a portion less than an entire portion of a light transmissive material" as recited in claim 1, and as similarly recited in claim 12.

A patterned after-glowing material, which is distributed throughout a portion less than an entire portion of a light transmissive material, is nowhere taught or suggested in Apple or Gordon. Stone is directed to a flashlight, and similar to Apple and Gordon, the flashlight has a "case 42 [that] is coated with a phosphorescent material." (See, Col. 2, lines 47-48 of Stone.)

Accordingly, Apple, Gordon and Stone show a phosphorescent material which coats and is formed as a portion of an entire sheet of material that has phosphorescent material distributed throughout the entire sheet. Thus, Apple, Gordon and Stone, teach away from the present device as recited in independent claims 1 and 12.

Stone, DeLine and Murai and utilized for rejecting dependent claims and do not cure the deficiencies in Apple and Gordon.

Accordingly, it is respectfully submitted that independent claims 1 and 12 are allowable over Apple and Gordon, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-11 and 13-22 should also be allowed based at least on their dependence from independent claims 1 and 12 as well as for the separately patentable elements contained in each of the dependent claims.

For example, Apple and Gordon alone and in combination with any of of Stone, DeLine and Murai does not disclose or suggest "wherein intensity I_{1s} of the primary light emitted by the light means as compared to the secondary intensity I_{2s} of the secondary light emitted by the light-emitter is such that $I_{1s}/I_{2s} < 0.5$ ", "wherein intensity I_{1s} of the primary light emitted by the light

means as compared to a secondary intensity I_{1s} of the secondary light emitted by the light-emitter is such that $I_{1p}/I_{1s} < 0.1$ ", or "wherein a primary intensity I_{1p} of the primary light as compared to a secondary intensity I_{1s} of the secondary light is at least one of $I_{1s}/I_{1p} < 0.5$ and $I_{1s}/I_{1p} < 0.1$ " as respectively required by claims 2, 3 and 14. Stone is cited in rejecting claims 2, 3 and 14 however it is respectfully submitted that reliance on Stone is misplaced. Each of claims 2, 3 and 14 are directed to a relative illumination intensity of the primary light to the secondary light. The cited sections of Stone are directed to a duration of illumination of phosphorescent material and are therefore unrelated to claims 2, 3, and 14.

Accordingly, separate consideration and allowance of each of the dependent claims is respectfully requested.

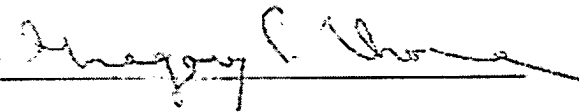
In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position,

should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

It is believed that no additional fees or charges are currently due for entrance of the accompanying amendment other than those paid concurrent herewith the Request for Continued Examination (RCE).

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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